

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-11-00611-CR**

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**Doyle John Garrett aka Doyal John Garrett, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF LAMPASAS COUNTY, 27TH JUDICIAL DISTRICT  
NO. 8627, HONORABLE JOE CARROLL, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellant Doyle John Garrett aka Doyal John Garrett pled guilty without a plea agreement to driving while intoxicated—felony repetition,<sup>1</sup> enhanced with a prior conviction for evading arrest with a motor vehicle. The trial court held a sentencing hearing, reviewed a presentencing investigation report, and sentenced him to eighteen years imprisonment. Garrett’s appointed attorney has filed a brief concluding that the appeal is frivolous and without merit.

Counsel’s brief meets the requirements of *Anders v. California*, 386 U.S. 738, 743-44 (1967), by presenting a professional evaluation of the record and demonstrating that there are no arguable grounds to be advanced. *See Penson v. Ohio*, 488 U.S. 75, 80 (1988); *Anders*, 386 U.S. at 743-44; *High v. State*, 573 S.W.2d 807, 811-13 (Tex. Crim. App. 1978); *Currie v. State*, 516 S.W.2d

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<sup>1</sup> The indictment alleged that Garrett had committed the subject offense in October 2010 and had been convicted of offenses related to operating a motor vehicle while intoxicated on four earlier occasions between 1992 and 2005. It included a “repeat offender” allegation that Garrett had also been convicted of evading arrest with a vehicle—deadly weapon in 2005.

684, 684 (Tex. Crim. App. 1974); *Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969). Garrett's attorney sent Garrett a copy of the brief and advised him that he had the right to examine the record and file a pro se brief. *See Anders*, 386 U.S. at 744; *Jackson v. State*, 485 S.W.2d 553, 553 (Tex. Crim. App. 1972). In April 2012, we granted Garrett's motion for an extension of time to file a pro se brief, extending his deadline to May 18, but to date, no pro se brief has been filed, and Garrett has not sent any communications since sending his motion for extension of time.

Having reviewed the record and the procedures that were observed, we agree with counsel that the appeal is frivolous and without merit. We grant counsel's motion to withdraw and affirm the judgment of conviction.<sup>2</sup>

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David Puryear, Justice

Before Justices Puryear, Henson and Goodwin

Affirmed

Filed: August 16, 2012

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<sup>2</sup> No substitute counsel will be appointed. Should Garrett wish to seek further review of his case by the court of criminal appeals, he must either retain an attorney to file a petition for discretionary review or file a pro se petition for discretionary review. *See generally* Tex. R. App. P. 68-79 (governing proceedings in the Texas Court of Criminal Appeals). Any petition for discretionary review must be filed within thirty days from the date of either this opinion or the date this Court overrules the last timely motion for rehearing filed. *See* Tex. R. App. P. 68.2. The petition must be filed with this Court, after which it will be forwarded to the court of criminal appeals along with the rest of the filings in the cause. *See* Tex. R. App. P. 68.3, 68.7. Any petition for discretionary review should comply with rules 68.4 and 68.5 of the rules of appellate procedure. *See* Tex. R. App. P. 68.4, 68.5.